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LEGAL COUNSEL DIVISION
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MEMORANDUM

September 4, 2019

FROM: Michael Fisher, Director *Michael N. Fisher*
OCEFT Legal Counsel Division

THROUGH: Pamela Mazakas, Deputy Director *Pamela Mazakas by MRF*
OCEFT

TO: Jerome Bonner, HR Director
Cincinnati Shared Services Center

RE: Request for Superior Qualification Appointment for Incoming LCD Deputy Director, Claude Walker (GS-0905-15)

This memo recommends that EPA set the basic pay of Claude Walker -- the incoming/newly-appointed GS-15 Deputy Director of OCEFT's Legal Counsel Division -- at a rate above step 1, due to the candidate's superior qualifications. The documentation for employing the superior qualifications pay-setting authority and the factors used to justify the rate at which the employee's pay should be set are as follows:

- *Superior Qualifications Determination* -- The level, type, and quality of the candidate's skills and competencies obtained through experience provide the basis for this determination. From mid-2015 through 2018, Claude served as the Attorney General of the U.S. Virgin Islands (USVI). As the chief law enforcement officer of that Territory, he led an executive department with more than 150 employees, including 50 attorneys. He provided legal advice to the governor and executive agencies, and represented the government in criminal and civil litigation; he also served as a board member of the Virgin Islands Port Authority, chairing the finance committee of that organization, which had an FY 2018 of over \$90 million.

Claude's skills, competencies, and experience are of obvious relevance to the position of Deputy Director of LCD -- a job which requires both environmental and criminal legal expertise. They are also significantly higher than was needed to qualify for the position,¹ and are of a more specialized

¹ The USAJobs announcement for this position (which prompted Claude's application) stated that candidates needed at least one year of full-time significant work experience equivalent to the GS-14 level. An email job announcement of the vacancy (circulated within EPA and outside the Agency) sought applicants with "at least seven years of relevant legal experience."

quality than other candidates. More specifically, Claude has approximately seven years of experience as an environmental enforcement attorney in EPA's civil enforcement program (1997-2004); close to three years of experience combating money laundering at the Treasury Department (2004-2007); approximately four years of experience as a frontline criminal prosecutor, conducting numerous jury trials (2007-11); and most recently, the above-described 3-4 years of experience as the Attorney General of the USVI -- the top law enforcement official in a United States territory.

- *Pay Rate Determination* -- The skills and competencies developed during Claude's experience demonstrate that his basic pay should be set should be at the GS-15 step 5 level or higher. When he became Attorney General, Claude left a GS-15 federal attorney position at the Department of Housing and Urban Development (HUD). Had he remained in the HUD job, which began in 2014, he would have progressed to a GS-15/4 pay grade by next month -- or higher, were he awarded one or more Quality Step Increases. Instead, Claude spent the next 3-4 years serving as the USVI's Attorney General -- a position of much greater authority and responsibility. (A comparable position at EPA would merit Senior Executive pay.)

- *Consideration of Recruitment Incentive* -- I have considered and rejected the idea of offering a recruitment incentive in lieu of a superior qualifications appointment. As explained above, Claude is not simply a qualified applicant whom we would like to attract via the offer of a bonus. Rather, he is a uniquely qualified attorney who brings extensive environmental and criminal law experience to this position, acquired during a full quarter-century of legal practice. That career, capped by his term as USVI Attorney General, demonstrates his Superior Qualifications for this position, and justifies a pay rate at the GS-15 step 5 level or higher.

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Approved: Debbie Young for
Jerome Bonner
HR Director, Cincinnati SSC

Disapproved: _____
Jerome Bonner
HR Director, Cincinnati SSC

Approval given for a GS-15 step 3.